

U.S. Department of Justice

*United States Attorney's Office
District of Delaware*

The Nemours Building (302) 573-6277 x 156
1007 Orange Street, Suite 700 FAX (302) 573-6220
P.O. Box 2046 TTY (302) 573-6274
Wilmington, Delaware 19899-2046 Toll Free (888) 293-8162
Patricia.Hannigan@usdoj.gov

February 20, 2008

Honorable Gregory M. Sleet
Chief Judge
United States District Court
Room 4324Boggs Federal Building
844 King Street
Wilmington, DE 19801

RE: United States v. M.A. Hanna, et al.
Civil Action No. 06-409 (GMS)

Dear Chief Judge Sleet:

At the recommendation of Magistrate Judge Stark's chambers, I write on behalf of all parties to advise the court of the status of this matter and to jointly request that the matter be removed from Your Honor's trial calendar. A two-week trial is presently scheduled to commence before Your Honor on April 7, 2008.

I am pleased to report that, after lengthy negotiation – including three full days of mediation with Judge Stark – the parties in the referenced case have reached agreement concerning proposed settlement terms that will be recommended to high level officials at the Department of Justice (DOJ) and the Environmental Protection Agency (EPA), and will be memorialized in consent decrees that will ultimately be submitted to the court for approval. We are moving as swiftly as possible to reduce those agreements to writing; the Government anticipates circulating to Hanna a proposed Consent Decree within the next few days, followed by a proposed consent decree to WEDCO shortly thereafter. Counsel have agreed to make every good faith effort to have proposed Consent Decrees signed by all counsel within sixty days of our agreement, or no later than April 8, 2008. Those proposals must then be submitted to several layers of officials at both DOJ and EPA for final approval, before being lodged with the court, and then published in the Federal Register for a period of public comment.

Honorable Gregory M. Sleet

February 20, 2008

Page Two

In light of the developments above, I write on behalf of all parties to request that the matter be removed from Your Honor's trial calendar, and that the pretrial deadlines be vacated. We realize that the settlement is not "final" until a Consent Decree is entered by the Court, and that the Court may be reluctant to make adjustments to Your Honor's trial calendar until the settlement is, indeed, final. In this case, however, the parties believe they have reached a settlement that will ultimately secure final approval, they wish to avoid the expense of trial, and there is no possibility that the settlement could become "final" before the scheduled trial date. Accordingly, we ask that the April 7, 2008 trial date be removed from the Court's calendar, along with the dates for pretrial submissions by the parties.

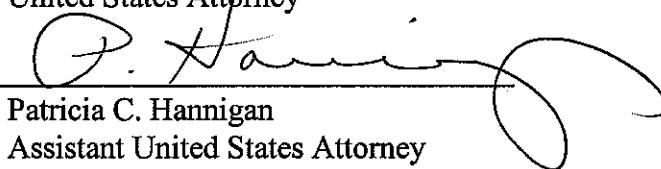
All counsel are, of course, available at the Court's convenience if Your Honor has questions or comments. We appreciate Your Honor's consideration.

Respectfully,

COLM F. CONNOLLY

United States Attorney

By:


Patricia C. Hannigan
Assistant United States Attorney

PCH:kg

cc: The Honorable Leonard P. Stark
Lila T. Wynne, Esquire, via CM/ECF
John Anthony Macconi, Jr., Esquire, via CM/ECF
Robert W. Whetzel, Esquire, via CM/ECF
Todd Anthony Coomes, Esquire, via CM/ECF
Andrew Goldman, Esquire, via E-Mail
Catherine Melinin Dunn, Esquire, via E-Mail